IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1264 OF 2006

Sunil Babu Pardeshi. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri Niranjan Mundargi for Applicant.
Shri Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 17, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence punishable under Sections 307, 323 and 506 of the IPC on 9th November, 2005.

2. It is alleged that the applicant fell in love with the complainant and had proposed to her. However, the complainant did not accept that proposal. Thereafter, the complainant got married and was residing in the State of Gujarat alongwith her husband. It is alleged that the present applicant even after the

marriage of the complainant, made telephone calls to her and had threatened her that he would murder her. A NC complaint was lodged by the complainant against the present applicant. Thereafter, when the complainant came to meet her father during the Diwali festival alongwith her husband, the applicant had allegedly assaulted her with a knife and had inflicted blow on her neck and also assaulted her husband.

3. Learned Counsel for the applicant has submitted that the chargesheet has been filed and the detention of the applicant, therefore, is no longer necessary. He submitted that the offence under Section 307 was not made out. He also invited my attention to the Judgment of this Court in the case of **Anil alias Bapu Balasaheb Marne V/s. State of Maharashtra reported in 1995(2) B.Cr.C. Page 144.** It is submitted that in the said case, though the applicant in the said case was arrested for the offence punishable under Section 307 of the IPC, this Court had released him on bail. The bail, however, is vehemently opposed by the APP and it is alleged that the applicant is likely to tamper with the evidence.

4. In my view, the applicant is not entitled to be released on bail considering the nature of the offence and the past conduct of the applicant. There is every possibility that the applicant may again try to harm the complainant and her husband. The medical certificate also discloses that the injury was grievous.

5. The application for bail is rejected.

6. The trial, however, is expedited. If the trial is not over within the reasonable period of time, the applicant is at liberty to apply for bail again.

7. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

(V.M. Kanade, J.)